



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,660	09/07/2006	Jukka Gustafsson	AWEK 3511	8612
7812	7590	01/19/2011		EXAMINER
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP				ELOSHEY, NIKI MARINA
601 SW Second Avenue, Suite 1600				
Portland, OR 97204			ART UNIT	PAPER NUMBER
			3781	
				MAIL DATE
				01/19/2011
				DELIVERY MODE
				PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/598,660 Examiner NIKI M. ELOSHWAY	Applicant(s) GUSTAFSSON ET AL. Art Unit 3781
---	---	---

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED **22 December 2010** FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) The period for reply expires 3 months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). **ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION.** See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) They raise the issue of new matter (see NOTE below);
 (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____ (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. Other: _____.

/Anthony Stashick/
Supervisory Patent Examiner, Art Unit 3781

/Niki M. Eloshway/
Examiner, Art Unit 3781

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that "the prior art does not support the contention that the extrusion technique referred to by McLaughlin can be applied to fabrication of an object the size of the top wall of the tank section 57 shown by Gulati. The Examiner disagrees with this position. McLaughlin teaches that certain elements of the tank may be formed by extrusion. Extrusion is a well known and widely used process ideal for forming shaped aluminum pieces with a substantial length which can then be cut to the desired length if needed. McLaughlin discloses that the I-beam is extruded then cut to the desired length. The same is possible for elements of the Gulati tank.

Applicant argues that the thin plate cover 17 and stiffeners 27 of Gulati cannot be considered the profile element because they are separate components. However, the modified Gulati invention uses extrusion to form the combination of the thin plate cover 17 and stiffeners 27. The combination of thin plate 17 and stiffeners 27 can be formed by an extrusion process.

Applicant requests a specific explanation of which elements of Gulati are considered the second third and fourth plane elements. The tank shown in figure 1A of Gulati can have multiple mid sections, shown in figure 1C and two end pieces, shown in figure 1D. The first profile elements are the four wall sections of one mid section, and each wall section comprises a plane part 17 and a stiffening part 27. The four wall sections are attached to form the completed mid section element ("the intermediate element") shown in figure 1C. An adjacent mid section is comprised of four second profile elements, each forming a wall of that mid section and each comprise a plane part 17 and a stiffening part 27. The mid section and adjacent mid section are joined together. To the degree set forth in the claim, the adjacent mid section can be called a "stiffener" as it provides rigidity to the tank structure. The second, third and fourth plane elements can be any of the wall members of other mid sections. .